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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED MICROELECTRONICS  
CORPORATION, et al.

Defendants.

CASE NO. 18-465 MMC

**[PROPOSED] ORDER GRANTING MOTION *IN LIMINE* FOR AN ORDER FINDING EVIDENCE  
OBTAIN FROM TAIWAN AUTHENTIC**

The United States has moved for an order that evidence seized by law-enforcement authorities in Taiwan is authentic pursuant to provisions in the United States Mutual Legal Assistance Agreement with

Taiwan<sup>1</sup> and/or pursuant to Federal Rule of evidence 901. The United States seeks an order regarding the authentication of:

- Forensic images of 24 digital storage devices seized by law enforcement authorities in Taiwan in February 2017, labeled as device numbers 1-24 in the Taiwan seizure certificates, and the forensic image of one storage device containing files Taiwan authorities downloaded from defendant Kenny Wang’s Google Drive, labeled as device number 25 in the Taiwan seizure certificates;
- Files extracted from those digital storage devices and stored on a hard drive called “Hard Drive 48,” which is organized with folders corresponding to each seized device; and
- Chat messages from the LINE messaging application between defendants JT Ho and Kenny Wang extracted from one of Wang’s cell phones (device number 1).

(collectively, “the Taiwan evidence”).

Pursuant to its authority under Federal Rule of Evidence 104 to determine preliminary questions of admissibility, the Court hereby ORDERS that:

- the Taiwan evidence is self-authenticated under the U.S.-Taiwan MLAA;
- the Certificates with Respect to Seized Items are sufficient admissible evidence from which a jury could conclude that the Taiwan evidence is authentic; and
- the Certificates with Respect to Seized Items and distinctive characteristics (*i.e.*, contents) of the Taiwan evidence are sufficient admissible evidence from which a jury could conclude that the Taiwan evidence is authentic.

IT IS SO ORDERED.

DATED:

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HON. MAXINE M. CHESNEY  
United States Senior District Judge

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<sup>1</sup> U.S.-Taiwan Agreement on Mutual Legal Assistance in Criminal Matters, Mar. 26, 2002, Am. Inst. In Taiwan – Taipei Econ. & Cultural Representative Office in the U.S., *available at* <https://www.ait.org.tw/wp-content/uploads/sites/269/2016/12/20020326-mutual-legal-assistance-agreement.pdf> [hereinafter, “U.S.-Taiwan MLAA”]